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**FILED**  
JAN 28 2000

KEVIN E. O'BRIEN, CLERK  
UNITED STATES  
BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF ARIZONA**

In Re:	)	Chapter 11
BCE WEST, L.P., et al.,	)	Case Nos. 98-12547
	)	through 98-12570 ECF CGC
Debtors.	)	Jointly Administered
EID # 38-3196719	)	<b>BANKRUPTCY CODE § 105(d)</b>
	)	<b>SCHEDULING ORDER</b>
	)	
	)	
	)	
	)	

At the regularly scheduled status conference held on January 18, 2000, the Court reviewed and considered various issues related to pretrial discovery matters in connection with objections to plan confirmation as well as the Court's consideration of the joint plan of reorganization (the "Plan") filed by BCE West, L.P., Boston Chicken, Inc., Mayfair Partners, L.P., BC Great Lakes, L.L.C., BC GoldenGate, L.L.C., B.C.B.M. Southwest, L.P., BC Boston, L.P., BC Superior, L.L.C., BC Heartland, L.L.C., BC Tri-States, L.L.C., Finest Foodservice, L.L.C., BC New York, L.L.C., R&A Food Services, L.P., P&L Food Services, L.L.C., Mid-Atlantic Restaurant Systems,

1 Inc., BCI Massachusetts, Inc., BCI Southwest, Inc., BC Real Estate Investments, Inc., BCI  
2 Mayfair, Inc., Progressive Food Concepts, Inc., BCI R&A, Inc., BCI West, Inc., BCI Acquisition  
3 Sub, L.L.C., and Buffalo P&L Food Services, Inc., debtors and debtors in possession (the  
4 "Debtors") on January 6, 2000. Pursuant to the authority granted by § 105(d)(2) of the  
5 Bankruptcy Code, it is hereby  
6

7 ORDERED that:

8 1. On or before January 28, 2000 the Official Committee of Unsecured Creditors (the  
9 "Committee") shall provide a list of issues regarding objections to the confirmation of the Plan.

10 The issue statement shall in no way prejudice the right of the Committee to either expand or  
11 reduce the scope of confirmation objections that may be filed on the date by which all parties in  
12 interest must file confirmation objections (as defined below). Such issue statement shall be served  
13 on counsel for the Debtors, and a courtesy copy provided to counsel for the 1996 Lenders, counsel  
14 for the DIP Lenders, counsel for Golden Restaurant Operations, Inc., counsel for the 1995  
15 Lenders, the United States Trustee and any other party in interest that submits a written request to  
16 receive such issue statement.  
17

18 2. Except as specifically provided for herein, the terms of this Order replace and are in  
19 substitution for the requirements of Bankruptcy Rule 7026 (a)(1)-(4), (d) and (f), as it applies to  
20 issues that may be litigated between the Debtors and the Committee.  
21

22 3. The Committee may commence discovery related to confirmation of the Plan immediately  
23 and shall serve its initial request for production of documents on the Debtors no later than January 21,  
24 2000.  
25  
26

1 4. On or before February 8, 2000 the Debtors shall, subject to their right to file objections to  
2 document production and seek protective orders, comply with the Committee's document production  
3 request.

4 5. Except as provided in paragraph 7, on or before February 8, 2000 the Debtors and the  
5 Committee shall exchange a list of potential witnesses (including the address and telephone number  
6 of each witness, if available) who they expect may be called to testify at the hearing on the  
7 confirmation of the Plan.  
8

9 6. As previously set by order of this Court a hearing to consider the adequacy of the Debtors'  
10 disclosure statement will be conducted on February 15, 2000 at 1:30 p.m.

11 7. On or before March 15, 2000 the Debtors and the Committee shall exchange a list disclosing  
12 the identity of those persons who may be used at the confirmation hearing to present evidence under  
13 Rules 702, 703 or 705 of the Federal Rules of Evidence. Such list shall also be accompanied by a  
14 written report prepared and signed by each such person. Such report shall comply with the  
15 requirements of Bankruptcy Rule 7026(a)(2)(B).  
16

17 8. On March 21, 2000 at the regularly scheduled omnibus hearing date the Court will consider  
18 any discovery disputes as of that date that have not been previously resolved.

19 9. March 22, 2000 is hereby established as the date by which all parties in interest shall serve  
20 and file objections to the confirmation of the Plan. Any party in interest filing such an objection must  
21 appear and be heard either in person or by counsel at the date and time of the preliminary  
22 confirmation hearing established by this Order in paragraph 10, *infra*.  
23

24 10. April 4, 2000 at 10 a.m. is hereby set as the date and time that the Court will conduct a  
25 preliminary confirmation hearing. At such preliminary hearing the Court will consider the status of  
26

1 confirmation objections and related discovery matters. In consideration of such matters the Court  
2 will set a date and time for a final confirmation hearing which hearing shall set to commence not later  
3 than the week of May 8, 2000. Such preliminary confirmation hearing shall also be a status  
4 conference conducted pursuant to § 105(d) of the Bankruptcy Code.

5 Dated: January 28, 2000  
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7  
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9

  
Charles G. Case II  
United States Bankruptcy Judge